PATENT APPLICATION Mo5884

LeA 32,873

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION	ON OF	)		
GÜNTER LIN	IDE ET AL	)	=	
SERIAL NUM	MBER: 09/646,450	)	FEB ECHNOLOG	
FILED:	SEPTEMBER 14, 2000	)	~ 1	RECE
TITLE:	SOOT GRANULES	) ) )	9 2001 CENTER 1700	:IVED

#### SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

Sir:

Applicants respectfully submit the attached International Preliminary Examination Report as well as the English translation of same for the Examiner's consideration.

Respectfully submitted,

**GÜNTER LINDE UWE HEMPELMANN** MANFRED EITEL

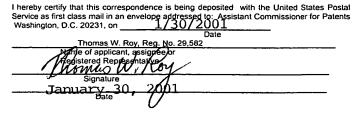
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/jme/TWR0123





PATENT TRADEMARK OFFICE

# Translation

# PATENT COOPERATION TREATY

# **PCT**

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  Le A 32 873-PC-PB	FOR FURTHER ACTION	See Notifi Preliminary	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP99/01537	International filing date (day/n 10 March 1999 (10.	nonth/year)	Priority date (day/month/year) 18 March 1998 (18.03.98)
International Patent Classification (IPC) or nat C09C 1/60		-	
Applicant E	BAYER AKTIENGESEL	LSCHAFT	
<ol> <li>This international preliminary exam Authority and is transmitted to the ap</li> <li>This REPORT consists of a total of _</li> </ol>	plicant according to Article 36	•	International Preliminary Examining
This report is also accompani been amended and are the base	ed by ANNEXES, i.e., sheets sis for this report and/or sheets 507 of the Administrative Instr	of the descript	tion, claims and/or drawings which have ectifications made before this Authority
This report contains indications relati			
Basis of the report	ing to the following items.		
II Priority			
	of opinion with regard to nove	lty, inventive	step and industrial applicability
IV Lack of unity of inv	•		, , , , , , , , , , , , , , , , , , ,
V Reasoned statement citations and explan	t under Article 35(2) with rega nations supporting such statem	rd to novelty, ent	inventive step or industrial applicability;
VI Certain documents	cited		
VII Certain defects in the international application			
VIII Certain observation	s on the international applicati	on	
	· · · · · · · · · · · · · · · · · · ·		
Date of submission of the demand	Date o	f completion	of this report
28 September 1999 (28.0	)9.99)	11	May 2000 (11.05.2000)
Name and mailing address of the IPEA/EP	Autho	rized officer	·
Facsimile No.	Telepi	none No.	

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/01537

I. Basis of the report				
1. This report	has been drawn o	on the basis of (Replacement shee in this report as "originally filed"	ts which have been furnished to the receiving Office in response to an invitation and are not annexed to the report since they do not contain amendments.):	
	the international	application as originally filed.		
$\boxtimes$	the description,	pages1-10	_, as originally filed,	
		pages	_, filed with the demand,	
		pages	, filed with the letter of,	
		pages		
$\boxtimes$	the claims,	Nos. 1-19	, as originally filed,	
		Nos.	_ , as amended under Article 19,	
		Nos.	_ , filed with the demand,	
			_ , filed with the letter of	
		Nos.	, filed with the letter of	
	the drawings,	sheets/fig	1	
		sheets/fig	_ , filed with the demand,	
		sheets/fig	_ , filed with the letter of ,	
			_ , filed with the letter of	
2. The amend	ments have resulte	ed in the cancellation of:		
	the description,	pages		
	the claims,	Nos		
	the drawings,	sheets/fig		
	•			
3. This to go	report has been es beyond the disclo	stablished as if (some of) the an osure as filed, as indicated in th	nendments had not been made, since they have been considered e Supplemental Box (Rule 70.2(c)).	
			., , , , , , , , , , , , , , , , , , ,	
4. Additional	observations, if no	ecessary:		
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			·	

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 99/01537

V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement			
Novelty (N)	Claims		YES
	Claims	1-19	NO
Inventive step (IS)	Claims	none	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations

The following documents are referred to:

D1: EP-A-0 802 241

D2: EP-A-0 807 669

D3: EP-A-0 860 476

D4: EP-A-0 857 764

According to the introductory part of the description (page 2, lines 14-15), the application differs from D1 with respect to relative colour intensity. However, this perspective appears too narrow, since the same process steps are used in D1 to produce the product. Even if the example in D1 specifically indicates this particular relative colour intensity value, the teaching of D1 does not appear to be limited to this value. Consequently, the subject matter of the claims does not appear to be novel. With respect to D2, also, at least as far as the subject matter of the independent claims is concerned, no differences can be discerned.

D3 and D4 are cited for information only since, should the priority claims prove valid (which cannot at present be checked, as no evidence of priority has yet been submitted), they may only be relevant as earlier applications, that is, in relation to novelty.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 99/01537

VIII.	Certain observations on the intern	national applicatio	n
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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Instead of a clear process step, the characterizing part of Claim 1 describes the result of a process step that is not indicated.